



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

December 9, 2020

BY ECF

The Honorable John G. Koeltl
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Cour
500 Pearl Street
New York, NY 10007

Application granted.

SO ORDERED.

New York, New York /s/ John G. Koeltl
December 10, 2020 John G. Koeltl, U.S.D.J.

Re: Jose Ismael Ventura v. United States, 09 Cr. 1015 (JGK), 18 Civ. 9179 (JGK)

Dear Judge Koeltl:

The Government writes to respectfully request a second two-week adjournment until December 28, 2020, of the deadline to respond to Jose Ismael Ventura's most recent *pro se* applications seeking to amend his fully briefed motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence and to conduct discovery. (ECF 422, 423, 427, 431).¹ Ventura's motion to amend attaches two affidavits from a witness and alleges, among other things, that the Government withheld material impeachment and exculpatory evidence from him during trial.

Your Honor initially ordered the Government to respond by October 30, 2020, and Your Honor granted the Government's two subsequent adjournment requests. (ECF 430, 435). As the Government previously informed the Court, Ventura has levied serious allegations against the Government, which has been investigating Ventura's claims since receiving his filings. Unfortunately, the agent who is assisting the Government in its investigation was subsequently tasked with a time-sensitive investigation of the shooting of two U.S. Marshals that occurred on December 4, 2020 and requires additional time to complete the Ventura investigation.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

by: 

Emily A. Johnson
Assistant United States Attorney
Southern District of New York
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cc: Jose Ismael Ventura (by certified mail)

¹ All references to documents available on ECF refer to the docket at 09-CR-1015.